

# LITCHFIELD CAVO<sub>LLP</sub>

Attorneys at Law

**WRITER'S ADDRESS:**  
40 Tower Lane, Suite 200  
Avon, CT 06001-4222  
860-255-5559  
860-255-5566 (fax)

September 26, 2007

VIA FACSIMILE

Judge Shira A. Scheindlin  
Jim Reilly, Deputy Law Clerk  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 9/26/07

RECEIVED  
CHAMBERS OF

SEP 26 2007

JUDGE SCHEINDLIN

Re: *Foremost Insurance Company v. Hercules Chemical Company*, No. 07 Civ. 7410(SAS) (S.D.N.Y.)

Dear Judge Scheindlin:

We are counsel for the plaintiff, Foremost Insurance Company, in the above-referenced action. We are in receipt of an Order for Initial Pretrial Conference, dated September 17, 2007. We respectfully request that the Initial Pretrial Conference, scheduled for October 2, 2007, and the Scheduling Order that is required to be brought to that Conference, be postponed for a period of 90 days. It is anticipated that no further extensions will be requested in the future.

Foremost requests that the Initial Pretrial Conference be postponed based upon the following facts: 1) the Complaint has not yet been served; 2) there is no present plan to serve the Complaint because the parties are attempting to reach settlement; and 3) the parties hope to resolve their dispute without litigation.

Pursuant to the requirements of the Order for Initial Pretrial Conference, we have provided counsel for Hercules Chemical Company with a copy of the Order. Although not waiving any rights, counsel for Hercules Chemical Company agrees with Foremost's position that the Initial Pretrial Conference, and the Scheduling Order, should be postponed pending the parties' attempt to settle their dispute.

Please contact me with any questions that you may have regarding this request.

Respectfully Submitted,

Richard C. Cavo

cc: Traci S. Rea, Esq., counsel for Hercules Chemical Company (via Facsimile)